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Candace Havens  
Director

## WORKING SESSION MEMORANDUM

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**DATE:** February 7, 2014

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development  
James Freas, Chief Planner, Long-Range Planning 

**RE:** #408-13: ALD. BAKER requesting discussion of potential impacts resulting from recent changes in the National Flood Insurance Program as it may relate to Newton properties.

**MEETING DATE:** February 10, 2014

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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The National Flood Insurance Program (NFIP) has recently been in the news due to rules changes resulting in cost increases for certain floodplain property owners. While the situation around these changes is still evolving, this memo is intended to offer some degree of context as to how the flood insurance program currently affects Newton and the potential impacts of the changes. In general, much of Newton's floodplain is conservation or parkland and potential impacts of this change will be limited.

NFIP was created by Congress in 1968 and provides federally subsidized flood insurance to owners of property located in floodplains. The program is essentially a substitute for private flood insurance, which over the years had become prohibitively expensive, leading to property owners forgoing flood insurance and then requiring federal disaster assistance after a flood. The Biggert-Waters Flood Insurance Reform Act of 2012 was passed to address the program's significant deficit created by a string of major flood events from hurricanes Katrina to Sandy. The Act funded updates to the Flood Insurance Rate Maps (FIRMS), which depict areas of potential flooding and created a process to phase in reductions and eliminations of the subsidies currently provided on insurance premiums resulting in

significant cost increases for some property owners. The US Senate recently passed a bill that would alter and postpone the insurance premium increases.

NFIP is only available in communities that have adopted floodplain development regulations. While the insurance is optional for floodplain property owners, it is required in order to secure a federally-backed mortgage so the majority of floodplain property owners do carry flood insurance through the NFIP. In Newton, development in the floodplain is regulated through the Wetlands Act and a Floodplain Ordinance (sec. 22-22) and is administered by the Conservation Commission with staff support provided by the Planning Department.

As shown on the attached map, Newton's FEMA designated 100-year floodplains are limited to areas along portions of South Meadow Brook, a small stretch of Cheesecake Brook, and along the Charles River. There are a total of 832 parcels within this area with 590 representing residential properties, and 83 representing businesses.

The Biggert-Waters Act has the effect of raising flood insurance premium rates to reflect true flood risk, as determined by FEMA's floodplain mapping program. The rate increases will apply first to second homes and commercial properties. Rate increases on primary homes will be phased in over time, but would occur immediately for new policies or when a property is sold. Rate increases will only occur on properties that were previously subsidized; those that were not paying a rate commensurate with the true risk of flood damage. Such homes were typically built before the adoption of local flood zone ordinances and have not since been elevated or otherwise removed from the floodplain. Homes built or modified according to building code requirements for floodplain homes generally have lower premium costs corresponding to lower flood damage risks. There is insufficient information available at this time to assess the flood risk associated with Newton's homes and businesses located in the floodplain and thereby get a sense of the potential premium increase that might be experienced in Newton, if any.

The Biggert-Waters Act also provided funding to re-map floodplains nationwide using the latest available technology and methods. Thus far, FEMA has focused this effort on high-hazard areas like coastal Massachusetts; the Charles River watershed, of which Newton is a part, has not yet been remapped. The result of this remapping process has been to expand the area considered to be in the floodplain in some locations while in others it has decreased. Generally speaking, a relatively small area is designated as floodplain in Newton and thus impacts are expected to be minimal.

## **Next Steps**

This memo was intended to inform the Zoning and Planning Committee and Board of the potential impacts of recent changes to the NFIP program on Newton property-owners. No further action is anticipated on this issue except to monitor changes to the program.

# FEMA Designated Floodplains

